

House File 2041 - Introduced

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A BILL FOR

1 An Act regarding the supervision of physician assistants by
2 physicians and providing for emergency rulemaking authority,
3 and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 148.13, Code 2016, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 01. *a.* The board of medicine shall
4 adopt rules regarding the supervision of a licensed physician
5 assistant by a physician, notwithstanding any provision to the
6 contrary.

7 *b.* The board shall adopt emergency rules under section
8 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph
9 "*b*", to implement the provisions of this subsection. Any
10 emergency rules adopted in accordance with this subsection
11 shall also be published as a notice of intended action as
12 provided in section 17A.4.

13 Sec. 2. Section 148C.1, subsection 4, Code 2016, is amended
14 to read as follows:

15 4. "*Licensed physician assistant*" means a person who is
16 licensed by the board to practice as a physician assistant
17 under the supervision of one or more physicians. "*Supervision*"
18 does not require the personal presence of the supervising
19 physician at the place where medical services are rendered
20 except insofar as the personal presence is expressly required
21 by this chapter or required by rules of the board of medicine
22 adopted pursuant to this chapter 148.

23 Sec. 3. Section 148C.3, subsection 2, Code 2016, is amended
24 by striking the subsection.

25 Sec. 4. Section 148C.4, subsection 2, paragraph b, Code
26 2016, is amended to read as follows:

27 *b.* A physician who supervises a physician assistant
28 providing medical care pursuant to this subsection shall not
29 be required to meet the requirements of rules adopted ~~pursuant~~
30 ~~to section 148C.3, subsection 2,~~ by the board of medicine
31 relating to supervision by physicians. A physician providing
32 physician assistant supervision pursuant to this subsection or
33 a physician assistant, who voluntarily and gratuitously, and
34 other than in the ordinary course of the physician assistant's
35 employment or practice, responds to a need for medical care

1 created by an emergency or a state or local disaster shall not
2 be subject to criminal liability by reason of having issued or
3 executed the orders for such care, and shall not be liable for
4 civil damages for acts or omissions relating to the issuance or
5 execution of the orders unless the acts or omissions constitute
6 recklessness.

7 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
8 immediate importance, takes effect upon enactment.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill requires the board of medicine to adopt emergency
13 rules regarding the supervision of a licensed physician
14 assistant by a physician. The bill removes the authority of
15 the board of physician assistants to adopt administrative
16 rules regarding the supervision of physician assistants by
17 physicians. It also modifies references relating to the
18 sources of the rules regarding the supervision of physician
19 assistants by physicians.

20 The bill takes effect upon enactment.